

Application No. 10/697,456
Reply to Office Action mailed December 28, 2005

REMARKS

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

By this amendment, claims 24 and 26 are amended to correct minor typographical errors, and to better clarify the invention. Claims 1-10, and 33-35 have been withdrawn from consideration. Claims 1-35 remain pending in the application.

In the Office Action, claims 24 and 26 were objected to as having informalities, and claims 11-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,582,135 to Brun et al. ("Brun") and further in view of U.S. Patent Publication No. 2003/0077047 to Hwang et al. ("Hwang").

Claim Objections

The objections to claims 24 and 26 are obviated in view of the amendments to those claims. Applicants respectfully request the withdrawal of the claim objections.

Rejection Under 35 U.S.C. § 103

Applicants respectfully traverse the rejection of claims 11-32 under 35 U.S.C. § 103(a) as being unpatentable over Brun in view of Hwang for at least the reason that the Office Action fails to set forth a *prima facie* case of obviousness by failing to apply references that disclose or suggest each and every claim element.

As recognized in the Office Action, Brun fails to disclose "a dual fiber pigtail," as recited in claims 11, 20, and 27. Office Action at 3. Hwang is not cited as correcting this deficiency.

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Applicants note that it appears that the Examiner is relying on personal knowledge as a basis for rejecting claims 11 and 20. Particularly, the Examiner has simply stated that "[t]he dual fiber element and a dual fiber pigtail are art recognized equivalents," and the Examiner has not identified any references or other materials as being obvious to combine with the teachings of Brun and Hwang. In view of the foregoing, and pursuant to 37 C.F.R. 1.104(d)(2), Applicant hereby respectfully requests an Examiner affidavit that: (i) specifically identifies any and all reference(s), other than those that have been specifically cited by the Examiner, upon which the obviousness rejection of claims 11 and 20 is based; and (ii) provides complete details concerning the reasoning and analysis of the Examiner concerning those references as those references are purported to apply to the rejection of claim 11 and 20.

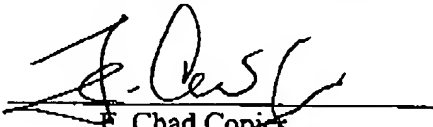
Because the Office Action fails to discuss prior art references that disclose or suggest each and every claim element, failing to establish a *prima facie* case of obviousness, Applicants submit that claims 11, 20, and 27 are in condition for allowance. Claims 12-19, 21-26, and 28-32 are allowable at least for their dependence on an allowable independent claim.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned if the Examiner believes that a telephone interview or Examiner's amendment will further the prosecution of this application.

Respectfully submitted,
WORKMAN NYDEGGER

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